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OF RACIAL DISCRIMINATION

REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9
OF THE CONVENTION

Second periodic report of States parties due in 1996

Addendum

Armenia*

[14 July 1997]

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* This document contains the initial and second periodic reports, submitted in one document, due on 23 July 1994 and 1996, respectively.

The information submitted by Armenia in accordance with the consolidated guidelines for the initial part of the reports of States parties is contained in the basic document HRI/CORE/1/Add.57.

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CONTENTS


| | Paragraphs | Page |
|---|---|---|
| Introduction | | 3 |
| PART I. GENERAL | 1 - 37 | 3 |
| PART II. INFORMATION CONCERNING ARTICLES 2 TO 7 OF THE CONVENTION | 38 - 202 | 8 |
| Article 2 | 38 - 66 | 8 |
| Article 3 | 67 - 80 | 12 |
| Article 4 | 81 | 13 |
| Article 5 | 82 - 197 | 14 |
| Article 6 | 198 | 35 |
| Article 7 | 199 - 202 | 35 |

## Introduction

This report is the first to be submitted by the Government of Armenia since the ratification of the International Convention on the Elimination of All Forms of Racial Discrimination by the Armenian Parliament on 23 July 1993. Wherever possible, extracts from the legislation with a bearing on questions of racial discrimination are reproduced in the report.

## PART I. GENERAL

1. The Armenians are a very ancient people. The Armenian State has a four thousand year long history. During that time the Armenians have on several occasions lost and then regained their statehood which, until the present era, was always restored in the form of an Armenian kingdom. The last of these kingdoms was the Armenian kingdom of Cilicia, which collapsed under the blows of fate in the fourteenth century.

2. Through many centuries of struggle for national liberation and the restoration of statehood, the Armenian people has succeeded in surviving to the present day.

3. In 1918, soon after the collapse of Tsarist Russia, of which the eastern half of historical Armenia formed part, the Armenians set up their own Republic. This Armenian Republic lasted until November 1920 when it was absorbed by Soviet Russia.

4. From then until December 1991, Armenia existed in the form of a federal so-called Armenian Soviet Socialist Republic as part of the former USSR.

5. After 70 years, in 1991, in the course of the disintegration of the USSR the Armenians again recovered their sovereignty, following the proclamation of the present Republic of Armenia. This decision was confirmed by the results of a national referendum held on 21 September 1991.

6. Because of the nature of its history, an absolute majority - about 94 per cent - of the population of Armenia are native Armenians. In fact, as a result of being subjected to systematic pogroms and oppression in Western Armenia, then part of the Ottoman Empire, and experiencing all the horrors of the genocide which, in 1915-1922, led to the death of 1.5 million people, the Armenians became concentrated in Eastern Armenia, then part of Tsarist Russia, where they felt relatively secure.

7. At the same time, another part of the Armenian population of Western Armenia, having escaped the Turkish genocide, found itself dispersed all over the world. The number of Armenians permanently living abroad is today equal to almost twice the population of the present Armenian State.

8. The tendency for Armenians to become concentrated in their native country has continued since the independent Republic of Armenia was established in 1991. This has been a direct consequence of yet another genocide - the mass pogroms and slaughter of Armenians in early 1988 and 1989 in Sumgaite, Kirovabad, Baku and other cities of neighbouring Azerbaijan.

9. As a result of the exodus from that country, 350,000 Armenian refugees lost both their homes and their property. Some 260,000 sought refuge in Armenia. The remaining 90,000 settled in Russia and elsewhere in the world.

10. The population of Armenia has been further swelled in recent years by 66,000 Armenian refugees from Nagorny Karabakh and 6,000 from Abkhazia.

11. The increase in the number of Armenians in their historic homeland has led to the efflux of 168,000 Azerbaijanis who within 8 to 10 months of the departure of the Armenians from Azerbaijan gradually returned to their own country. Of those who chose to leave 144,000 sold or exchanged their homes in Armenia, and the rest received US$ 110 million in compensation from the Armenian Government.

12. The bitter historical experience of the Armenians, repeatedly subjected in the course of their history to oppression, murder and genocide, has bred in them a keen feeling of respect for national minorities.

13. The destructive earthquake of 1988, which caused many casualties, also partly affected the non-Armenian population and reinforced the feeling of general solidarity in the face of the elements. This solidarity reflects the traditional caring approach of the Armenians towards the non-Armenian groups within the population.

14. In the course of the country's history, Armenia's national minorities, a relatively small proportion of the population, have always enjoyed the same freedom as the Armenians themselves. Moreover, their national rights have been particularly carefully respected.

15. This is clear from the example of the Kurds who for many decades have made up a more or less stable 1.7 per cent of the population. As distinct from their many compatriots living in neighbouring countries, the Kurds of Armenia have always enjoyed very broad rights which even now are not available to the Kurdish people in their other countries of abode.

16. The Kurdish language is taught in Armenian schools in the areas settled by the Kurds. There is a Kurdish department in one of Armenia's universities. The Kurds have their own scientific institutions and Kurdish-language newspapers, radio and television.

17. In Armenia, the respect for ethnic minorities extends in equal measure to people of other nationalities.

18. According to the latest official census, in 1989 the distribution of individual ethnic groups in Armenia was as follows:

| | In absolute figures | As a percentage of total |
|---|---|---|
| Armenians | 3 083 616 | 93.3 |
| Azerbaijanis | 84 860 | 2.6 |
| Kurds | 56 127 | 1.7 |
| Russians | 51 555 | 1.6 |
| Ukrainians | 8 341 | 0.2 |
| Assyrians | 5 963 | 0.2 |
| Greeks | 4 650 | 0.1 |
| Others | 9 664 | 0.3 |
| TOTAL | 3 304 776 | 100.0 |

19. For the reasons mentioned above, in recent years there have been changes in the demographic distribution. The statistical data on the core population and the national minorities will be revised in the light of the results of the forthcoming population census scheduled for 1999.

20. With the achievement of independence, it became possible for Armenia to unite the representatives of 12 different communities, social organizations and national minorities living in Armenia in a single Union of Nationalities (created in 1994).

21. The membership of Armenia's Union of Nationalities consists of the Assyrian, Greek, Georgian, Jewish, German and Polish communities, together with the League of Kurdish Intelligentsia, the Russia Society, the Russian Cultural Association ODA, the Harmonia International Centre for Russian Culture, the Aid Foundation for Russian Compatriots and the charity Ukraina.

22. The role of the Union of Nationalities is to solve the educational, cultural, economic, social and other problems of the national minorities.

23. In its everyday activities, the Government of the Republic of Armenia pursues a policy of prohibiting all acts or manifestations of racial discrimination directed against individuals, groups or institutions. At the same time, this policy inculcates unswerving respect by State organs and agencies for the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination.

24. The Constitution of the Republic of Armenia, adopted on 5 July 1995, and the ordinary law together form the legal basis for the protection of the human rights of citizens of the Republic of Armenia, regardless of their national or ethnic affiliations.

25. The principle of equal rights is enshrined in article 15 of the Constitution, which states that:

> "Citizens, regardless of national origin, race, sex, language, creed, political or other persuasion, social origin, wealth or other status, shall have all the rights, freedoms and duties established by the Constitution and the law."

26. The principle of equal rights is also the subject of article 4 of the Constitution, which reads:

> "The State guarantees the protection of human rights and freedoms based on the Constitution and the law, in accordance with the principles and provisions of international law."

27. Evidence of the equality of citizens is provided by article 3: "... referenda of the Republic of Armenia are held on the basis of direct, equal and universal suffrage, by secret ballot".

28. Respect for rights and freedoms in Armenia is ensured by the supremacy of the law. Article 6 of the Constitution reads: "The supremacy of the law shall be guaranteed in the Republic of Armenia."

29. The same article 6 gives international treaty provisions precedence over domestic law.

> "International treaties that have been ratified shall be a constituent part of the legal system of the Republic. If the provisions of the treaties differ from those of the law of the Republic, then the treaty provisions shall be given precedence."

30. Armenian judicial and administrative practice permits reference to the provisions of the human rights conventions, including the Convention on the Elimination of All Forms of Racial Discrimination, as well as to the corresponding provisions of other relevant international instruments, treaties and covenants. However, the legal application of these provisions by the bodies in question depends upon their prior incorporation into the domestic legislation.

31. The Constitution of Armenia includes special provisions intended to exclude racial discrimination, eliminate all its manifestations and foster respect for the cultural, linguistic and other traditions of national minorities.

32. Article 37 states:

> "Citizens belonging to national minorities shall be entitled to the preservation of their traditions and the development of their language and culture."

33. Adequate protection for the above-mentioned rights is provided by article 38:

> "Everyone shall be entitled to defend his or her rights and freedoms by all means not otherwise proscribed by law.
>
> "Everyone shall be entitled to defend in court the rights and freedoms enshrined in the Constitution and the law."

34. The articles cited above do not exhaust the full range of constitutional provisions designed to protect the interests and ensure respect for the rights of citizens.

35. As explicitly stipulated in article 43:

> "The rights and freedoms set forth in the Constitution are not exhaustive and shall not be construed as negating or diminishing other universally accepted human and civil rights and freedoms."

36. Special provisions intended to protect the rights of citizens and punish them for any infringements of national and racial equality have been duly incorporated in the Armenian Penal Code.

37. Article 69 of Section II of the Penal Code, adopted by the National Assembly at the first reading in May 1997, reads as follows:

> "Propaganda or agitation intended to incite to racial or national enmity or dissension and also the direct or indirect curtailment of the rights of citizens or the establishment of direct or indirect privileges based on race or nationality shall be punishable by imprisonment for a term of six months to three years."

## PART II. INFORMATION CONCERNING ARTICLES 2-7 OF THE CONVENTION

### Article 2

38. The principal legislative instrument dealing with the elimination of all forms of racial discrimination is the Constitution of the Republic of Armenia, adopted by the Armenian people on 5 July 1995 as the result of a referendum.

39. In addition to the fundamental constitutional provisions concerning the equality of all citizens of the Republic of Armenia before the law and their equal rights, the Constitution also includes individual articles relating to basic human and civil rights and freedoms.

40. As concerns equality of rights and the guarantee of legal protection, article 16 of the Constitution states that "All shall be equal before the law and shall be given the equal protection of the law without discrimination."

41. As concerns the right to life, article 17 states "Everyone shall have the right to life."

42. Article 17 also makes an important pronouncement concerning the supreme punishment - the death penalty:

> "Until such time as it is abolished, the death penalty may be prescribed by law for particular capital crimes, as an exceptional punishment."

43. Thus, from the moment of its adoption, this article of the Constitution established the intention to abolish the death penalty as such.

44. In the draft Penal Code of the Republic of Armenia, adopted by the National Assembly in May 1997, the death penalty, as a punishment, is abolished.

45. It should also be noted that in the course of its independent existence, from 1991 up to today, not a single sentence of death has been carried out in Armenia. At the same time, not a single death sentence has been passed on a woman.

46. As concerns liberty and security of person, article 18 states that:

> "Everyone is entitled to freedom and security of person. No one may be arrested or searched except as prescribed by law. A person may be detained only by court order and in accordance with legally prescribed procedures."

47. As concerns prohibition of the use of torture or other degrading punishments, article 19 stipulates that "No one may be subjected to torture or to cruel or degrading treatment or punishment."

48. As concerns freedom from arbitrary interference with privacy and confidentiality of correspondence, article 20 states:

> "Everyone has the right to protection of his or her personal and family life from unlawful interference and protection of his or her honour and reputation from attack.
>
> ...
>
> "Everyone has the right to confidentiality in his or her correspondence, telephone conversations, and postal, telegraph and other communications, which may be restricted only by court order."

49. As concerns inviolability of the home, article 21 states that "Everyone has the right to privacy of the home. It is forbidden to enter a person's home against his or her will except in the cases prescribed by law."

50. As concerns the right to freedom of movement, article 22 states:

> "Every citizen is entitled to freedom of movement and residence within the territory of the Republic.
>
> "Everyone has the right to leave the Republic.
>
> "Everyone has the right to return to the Republic."

51. As concerns freedom of conscience and religion, article 23 states:

> "Everyone has the right to freedom of thought, conscience and religion. Freedom to manifest one's religion and express one's thoughts may be restricted only by law ..."

52. The right to freedom of speech is guaranteed in article 24 which states:

> "Everyone is entitled to freedom of speech, including the freedom to seek, receive and impart information and ideas through any medium of information, regardless of frontiers."

53. The right to social security is the subject of article 33:

> "Every citizen is entitled to social security in respect of old age, disability, sickness, loss of breadwinner and unemployment and in other cases prescribed by law."

54. The right to health care is ensured by article 34, which states: "Everyone is entitled to health care ..."

55. The right to education is ensured by article 35, which states: "Everyone has the right to education. Secondary education in the State school system shall be free."

56. When Armenia's independence was proclaimed, out of all the republics of the former USSR it had the highest numbers of diplomas per 1,000 inhabitants: 192 for higher education, 122 for special secondary and 375 for general secondary education.

57. At present, over 740,000 young people are studying in the various branches of education and of these an absolute majority is being taught in State schools. This means that more than 20 per cent of the population is involved in the education system.

Breakdown of the education system according to the data of the Ministry of Education and Science for 1 May 1997

| Institution | Number of students | Number of teachers | Number of schools | State budget (mn drams) |
|---|---|---|---|---|
| Pre-school | 65 740 | 7 557 | 994 | 41 |
| Primary Secondary | 599 287 | 60 433 | 1 404 | 8 538 |
| Vocational and technical schools | 7 227 | 3 346 | 69 | 582 |
| Special secondary | 9 972 | 2 026 | 42 | 521 |
| Colleges | 2 203 | 404 | 7 | 84 194 |
| Higher education (State-registered) | 33 833 | 4 523 | 15 | 1 594 |
| Higher education (private) | 18 324 | | 75 | |
| Scientific institutions | 4 085 | | 108 | 475 195 |

58. More than 800 foreign students from Iran, Syria, Lebanon, Jordan, India, United States, France, Russia, Georgia, Ukraine, Iraq, Israel, Turkmenistan, Germany, Italy, China, Canada and Turkey are also studying in Armenia's higher educational institutions.

59. The right to the protection of the courts and legal assistance is ensured by article 39, which reads:

> "Everyone shall have the right to a public hearing by an independent and impartial tribunal, under the equal protection of the law and with observance of all the requirements of justice, in order that rights which have been violated may be restored and the validity of any charges brought determined."

and article 40: "Everyone is entitled to receive legal assistance."

60. The presumption of innocence is the subject of article 41, which states that "A person accused of a crime shall be presumed innocent until proven guilty according to law, by a final verdict of the court."

61. As compared with many other countries, Armenia's prison population is small. Out of a total population of 3.7 million, there are not more than 6,000 prisoners, including both those convicted by the courts and those on remand.

62. During the years of independent development Armenia has adopted four amnesty laws. The most extensive of these amnesties (September 1995) affected 4,555 people, while almost 1,000 people benefited from the fourth and latest amnesty (in May 1997).

63. The defence of rights and freedoms is the subject of article 38, which states:

> "Everyone shall be entitled to defend his or her rights and freedoms by all means not otherwise proscribed by law.
>
> "Everyone shall be entitled to defend in court the rights and freedoms enshrined in the Constitution and the law."

64. There are various mechanisms for the defence of human rights: the public prosecutor's office, the intervention of government agencies in accordance with the procedure established by law, etc. Particular emphasis should be placed on the protection afforded by the courts, one of the aims of which is to safeguard human rights against violation by officials and the organs of government.

65. The right to freedom of association is ensured by article 25, which states:

> "Everyone has the right to form associations with others, including the right to form or join trade unions.
>
> "Every citizen is entitled to form political parties with other citizens and join such parties."

66. At present, there are 60 political parties and movements and over 1,300 non-governmental organizations and associations officially registered in Armenia.

## Article 3

67. There is no policy of apartheid and no such practices in the Republic of Armenia.

68. Armenia is a determined opponent of all forms of racism and racial discrimination. Since it first acquired its independence, the Republic of Armenia has taken a stance, together with the world community, against racism and apartheid.

69. On 29 March 1993 Armenia acceded to the International Convention on the Suppression and Punishment of the Crime of Apartheid.

70. Armenia condemns racial discrimination in all its forms and manifestations. As already mentioned, Armenia's domestic laws aim to establish equality before the law for all its citizens in every sphere of life, regardless of national origin.

71. In accordance with Armenia's foreign policy objectives, which consist in the universalization of its relations with other foreign countries in the interests of strengthening mutual cooperation, confidence and understanding, and taking into consideration the radical changes in the political life of the Republic of South Africa - the holding of free elections and the abolition of apartheid - on 30 December 1991 Armenia recognized the Republic of South Africa and on 25 June 1992 established diplomatic relations with it.

72. Armenia supports the process of democratization in South Africa, one expression of its support being the visits to that country of Armenian cultural, sports and other delegations for the purpose of participating in international events.

73. Armenia unreservedly condemns policies and ideologies that incite to racial hatred or any form of "ethnic cleansing", deeming them to be incompatible with human rights and universal freedoms.

74. Within the framework of the Commonwealth of Independent States (CIS), of which Armenia is a member, on 9 October 1992 in the city of Bishkek (Kyrgyzstan), the participating States, including Armenia, signed the Agreement on questions relating to the restoration of the rights of deported persons, national minorities and peoples.

75. The Agreement condemns the former practice of forcible resettlement of peoples, national minorities and individual citizens of the former USSR as incompatible with the aims of the struggle against racism and racial discrimination and contrary to universal humanitarian principles.

76. At the same time, the Agreement imposes obligations upon the parties to accord deportees returning to their former homes equal political, economic and social rights and conditions of resettlement, employment, education, and national, cultural and spiritual development.

77. Another important instrument to which Armenia, as a member of the CIS, is a party is the Convention on the safeguarding of the rights of members of

national minorities, signed in Moscow on 21 October 1994 by 11 countries of the Commonwealth. This Convention was ratified by the Armenian National Assembly on 11 October 1995.

78. The parties to the Convention guarantee members of national minorities civil, political, social, economic and cultural rights and freedoms, in accordance with universally recognized international standards in the field of human rights and their legislation. The parties pledge to take measures to prohibit on their territory any discrimination against citizens based on their membership of a national minority.

79. Under the provisions of the Convention, national minorities are guaranteed the right to form associations and national societies, to develop their ethnic, linguistic, cultural and religious originality, to be taught in their mother tongue, and to practise their religion.

80. The Human Rights Commission, established under article 33 of the Charter of the CIS, is responsible for monitoring the implementation of the Convention.

## Article 4

81. Armenia has demonstrated its attachment to the provisions of article 4 by acceding to the International Convention on the Elimination of All Forms of Racial Discrimination. As is well known, signatories to the Convention must adopt appropriate legislative measures in the areas indicated in subparagraphs (a), (b) and (c) of the article, with due regard for the principles embodied in the Universal Declaration of Human Rights.

(a) The Armenian Penal Code (PC) currently in force contains a provision which effectively applies to offences, such as assault, where the underlying motivation is racial. Its article 69 reads:

> "Propaganda or agitation intended to incite to racial or national enmity or dissension and also the direct or indirect curtailment of the rights of citizens or the establishment of direct or indirect privileges based on race or nationality shall be punishable by imprisonment for a term of six months to three years or by exile for a period of two to five years."

Racially based offences also include the use of offensive expressions and offensive behaviour, the dissemination of racist publications, the dissemination of printed or handwritten materials, and also the organization of or active participation in group actions to the prejudice of public order (PC, art. 206).

(b) At the same time, this must not impede the exercise of the right to be free to hold opinions. In Armenia, the right to express one's opinions is guaranteed, in particular, by article 24 of the Constitution which reads: "Everyone is entitled to assert his or her own opinion. No one shall be forced to renounce or change his or her opinion." This is closely related with the second part of the same article which specifies that everyone is

entitled to freedom of speech, including the freedom to seek, receive and impart information without any restrictions based on race or colour.

Matters relating to the implementation of the right to freedom of speech are regulated in greater detail by the Law on the press and other mass media which, together with the Law on freedom of conscience, is one of the first laws to be adopted by the Armenian State (8 October 1991). The Law establishes that the press and other media shall be free and not subject to censorship. Citizens of the Republic of Armenia have the right, through the press and other media, to express their own opinions and views and to receive regular and reliable information about any aspect of public life. The press and other media are entitled to receive information from many State agencies and public and socio-political organizations and their heads, provided that the furnishing of the information requested is not restricted by law.

(c) There are no organizations in the Republic based on ideas or theories of the superiority of one race or group of persons of one colour or ethnic origin.

## Article 5

82. All the rights enumerated in article 5 of the Convention are guaranteed in Armenia without any restriction with respect to race, colour, or ethnic or national origin. The Government is pursuing a policy of equal rights and freedoms for all Armenian citizens without exception. This policy is based on the guarantee of equal protection against crime for all the groups that make up the population.

83. It is no secret that it is often the police who must first respond to a critical situation. Racist offences call for a special approach and this should find expression in the new Penal Code which could be adopted at the second reading as early as November of this year. In the present circumstances, it is not considered advisable to introduce a special category of offences with a racial motivation requiring the introduction of harsher penalties than other similar infringements of the law.

84. Armenia does not compile statistics on racially motivated offences.

85. As concerns the right to equal treatment before the tribunals and all other organs administering justice, under the Armenian Constitution all are equal before the law and are given the equal protection of the law, without discrimination (article 16). The principle of the equality of citizens before the law and the tribunals is also established in the Penal Code (article 5), where it is stated that justice is done on the basis of the equality of citizens before the law and the tribunals, regardless of birth, wealth and social status, racial and national origin, sex, education, language, creed, occupation, residence and other circumstances.

86. The principle of the democratization of justice is affirmed in article 39 of the Armenian Constitution where it is stated that everyone is entitled to a public hearing by an independent and impartial tribunal, under

the equal protection of the law and with observance of all the requirements of justice, in order that rights which have been violated may be restored and the validity of any charges brought determined.

87. The media and the public may be excluded from all or part of a trial for reasons of morality, public order or national security or in the interests of the private lives of the parties or of justice (article 39 of the Armenian Constitution). In this connection, the Code of Penal Procedure of the Armenian Republic (article 12) specifies that in all tribunals the hearings shall be public, except where this would be prejudicial to official secrecy. In addition, a closed session is allowed, by reasoned decision of the court, in cases involving offences committed by persons under the age of 16 or sex offences, and in other cases for the purpose of preventing the disclosure of information concerning intimate aspects of the lives of the persons involved. The Armenian Civil Code specifies that the court may, by reasoned decision, also hold a closed hearing for the purpose of preserving the confidentiality of adoption.

88. According to article 41 of the Constitution, "a person accused of a crime shall be presumed innocent until proven guilty in a manner prescribed by law", i.e. by a court sentence duly entered into force. The same article also states that "the defendant is not required to prove his or her innocence and unconfirmed suspicions shall be resolved in favour of the defendant".

89. The Constitution and the Code of Penal Procedure provide the following safeguards for the protection of the rights of the accused:

(a) The accused must be charged within 48 hours of the decision to prosecute or not later than the day of appearance of the accused or his arrest. When charging the accused the prosecutor must explain to him the nature and the basis of the charge being brought (article 140). If the accused does not speak Armenian, then the prosecutor must call in a suitable interpreter;

(b) In accordance with article 40 of the Constitution, "everyone is entitled to legal counsel from the moment he or she is arrested, detained or charged". If the preliminary investigation shows that there is enough evidence for an indictment, then he or she shall have the right to examine, either personally or through counsel, all the documents in the case and also to lodge a request to supplement the preliminary investigation;

(c) For purposes of preventing an unjustified delay in bringing a person to trial, the law establishes time-limits which the prosecutor and the court must respect. Thus, article 124 of the Code of Penal Procedure provides that the preliminary investigation must be completed within two months, and in article 234 of the Code it is stated that the court investigation must begin within 15 days of the decision to bring the accused before the court;

(d) According to article 40 of the Constitution, "everyone is entitled to receive legal assistance". In cases prescribed by law legal assistance may be provided free of charge. The law also establishes the right of the accused

to counsel and defines those cases in which the participation of counsel is mandatory and those in which the accused may be excused from paying for legal assistance;

(e) In the preliminary investigation stage and in court, the accused (defendant) has the right to request that witnesses be summoned and to ask them questions relating to the case;

(f) According to article 11 of the Code of Penal Procedure, persons involved in the case who do not speak the language of the court (Armenian) are entitled to use the services of an interpreter, express themselves in court in their mother tongue and familiarize themselves with all the documents in the case. Article 95 of the Code provides for the interpreter to be paid out of the funds of the court and the investigating and prosecuting agencies;

(g) Article 42 of the Constitution states that no one shall be compelled to testify against himself or herself, against his or her spouse or against a close relative.

90. According to article 40, "every convicted person is entitled to have his or her conviction reviewed by a higher court, as prescribed by law".

91. The right of a convicted person to compensation is considered by the law as a right arising from the inflicting of injury and is defined in article 450 of the Armenian Civil Code which states that "injury resulting from unlawful conviction, from unlawful prosecution, from arrest or detention known to be unlawful, or from the imposition of an unlawful administrative penalty in the form of corrective labour, shall be fully compensated by the State, according to law, irrespective of the culpability of the public prosecutor's office or the investigating agencies".

92. The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual, group or institution is the subject of article 19 of the Armenian Constitution, which provides that "no one may be subjected to torture or to cruel or degrading treatment or punishment or subjected to medical or scientific experimentation without his or her consent". According to article 14 of the Penal Code, neither the accused nor other persons may be forced to testify by violence, threats or other unlawful means. The Penal Code establishes criminal liability for the use of threats or other unlawful means by a person conducting an inquiry or preliminary investigation for the purpose of forcing someone to give evidence during interrogation, as well as for the coercion of a person undergoing interrogation with the use of violence or insults.

93. Articles 182 and 183 of the Penal Code together provide for the criminal liability of any official for abuse of power or official position or for exceeding his or her authority with a view to infringing the legally protected rights and freedoms of citizens. At the same time, the Civil Code (article 450) establishes the right of the investigation agencies, the public prosecutor's office and court officials irrespective of the culpability of the above-mentioned agencies and their officials.

94. With a view to extending the scope of these measures, the draft new Penal Code also provides that the use of the above-mentioned methods shall be prohibited for all representatives of the justice system with respect to all witnesses.

95. However, despite the existence of the minimum necessary legislative framework and the fact that the use of torture and other cruel or degrading treatment is a punishable offence, such behaviour on the part of investigating officers is still observed in Armenia. This is a result of the still rather low level of protection of human rights, on the one hand, and the imperfections of the criminal justice legislation, on the other hand, in particular, the collection and evaluation of evidence, and the lack of a well-defined legal process and procedure.

96. As concerns the right to participate in elections, article 27 of the Constitution establishes the right of citizens to participate in the government of the country. "Citizens of the Republic of Armenia who have attained the age of 18 are entitled to participate in government directly or through their freely elected representatives. Citizens found to be incompetent by a court ruling or duly convicted of a crime and serving a sentence may not vote or be elected."

97. Thus, the Constitution provides for two ways in which citizens may participate in government: directly (i.e. by means of a referendum) and through elections. The rules for the holding of referenda are laid down in the Constitution and the Referendum Act.

98. Article 3 of the Constitution provides for the holding of referenda to be based on direct, equal and universal suffrage and a secret ballot. According to the Act, to participate in a referendum a person must have reached the age of 18 on or before the day of the referendum and, at the time of adoption of the decision to hold the referendum, must have been a citizen residing permanently in the territory of the Republic of Armenia. During the holding of the referendum steps must be taken to inform the public and ensure its participation.

99. Since the Declaration of Independence Armenia has held two referenda: the first, in 1991, on whether to leave the USSR and the second, in 1995, on the adoption of a new Constitution. On both occasions the referendum was held openly in the presence of independent foreign observers.

100. The Constitution calls for the following types of elections to be held in Armenia:

(a) Presidential elections;

(b) Parliamentary elections (for deputies to sit in the National Assembly);

(c) Local government elections (mayor and council of elders).

Matters relating to the above elections are governed by the provisions of three separate electoral laws. In accordance with article 3 of the Constitution, all elections must be based on direct, equal and universal suffrage and a secret ballot.

101. Judicial supervision of the legality of referenda and elections is exercised by the Constitutional Court which, in accordance with article 100 of the Constitution, rules on disputes concerning referenda and the results of presidential and parliamentary elections. Election results may be challenged in the Constitutional Court by the corresponding presidential and parliamentary candidates. The decisions of the Constitutional Court are final, are not subject to review and enter into legal force upon publication.

102. Presidential elections were held in Armenia on 22 September 1996. The Council of the International Assembly of the CIS and representatives of Georgian non-governmental organizations, the Bureau of Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE) and other international organizations participated as observers.

103. The results of the elections were challenged in the Constitutional Court by two presidential candidates who considered that during the preparations for and the holding of the elections the rights of direct, equal and universal suffrage and secret ballot had been violated and that this had affected the election results. The Constitutional Court made a very careful study of the case, during which openness was ensured and the public, the press and other media representatives were free to attend the proceedings. The Court ruled that although during the elections there had been violations of the electoral law, its investigation of the results and verification of the facts had revealed that these had not affected the final outcome.

104. The right of citizens of Armenia to freedom of movement and choice of residence within the territory of the Republic is established by article 22 of the Constitution. With regard to aliens, although this right is not specifically mentioned in the Constitution or the laws, it is ensured by the provision of the Constitution according to which international treaties ratified by the Republic of Armenia form a constituent part of the legal system of the Republic and their provisions take precedence over those of domestic law.

105. To register a foreigner must present:

(a) A document confirming his or her right to reside in the Republic (i.e. a residence or entry permit);

(b) A housing document (privatization certificate, lease, etc.).

Registration is subject to the presentation of the above-mentioned documents. It should be noted that the purpose of registration is not to issue a residence permit but to obtain information about a person's residence. Registration cannot be refused if all the above-mentioned documents have been presented. The registration of Armenian citizens is governed by the same procedure.

106. Article 22 of the Constitution establishes the right of every Armenian citizen to leave the Republic. A foreign citizen may be prohibited from leaving the Republic only in the following circumstances:

(a) If criminal proceedings have been instituted against him or her - until the conclusion of those proceedings;

(b) If he or she has been convicted - until sentence has been served or until release;

(c) If sentence or judgement has been passed - until the sentence has been carried out or until release from its application (article 15 of the Law on the legal status of foreigners on the territory of the Republic of Armenia).

Otherwise a foreign citizen may freely leave the Republic of Armenia after producing at the border post an internationally recognized document establishing his identity or a substitute document issued by the Armenian Foreign Ministry.

107. In addition to these restrictions on the rights of aliens and Armenian citizens to freedom of movement and residence, there are certain others imposed by the Law on the State border of the Republic of Armenia. In particular, it is stipulated that persons may enter and be present in the border zone or strip only with the consent of the appropriate authorities.

108. Article 22 of the Constitution states that "every citizen has the right to return to the Republic". Under Armenian law, for an Armenian citizen to enter the Republic of Armenia no special authorization is required.

109. The right to nationality is the subject of article 14 of the Constitution, which reads "the procedures for acquiring and terminating citizenship of the Republic of Armenia are established by law. Armenians acquire citizenship of the Republic of Armenia through a simplified procedure. A citizen of the Republic of Armenia may not at the same time be a citizen of another State." At the same time, article 15 of the Constitution states that "citizens, regardless of national origin, race, sex, language, creed, political or other persuasion, social origin, wealth or other status, shall have all the rights, freedoms and duties established by the Constitution and the law".

110. According to the Civil Code, the possibility of having civil rights and duties is recognized for all citizens of the Armenian Republic in the same degree (article 9). Aliens and persons who do not have citizenship in the Republic of Armenia are given this possibility on an equal footing with Armenian citizens. Certain exceptions for aliens are established by law. For example, according to the Law on immovable property and the Land Code, an alien in the Republic of Armenia is not entitled to own land. Aliens may not become members of political parties established in the Republic of Armenia.

111. Individual exceptions for aliens are also included in the Privatization Act. However, these exceptions are few and in no way may be regarded as a refusal to recognize the possibility of foreigners having civil rights and

duties. At the same time, the Civil Code provides that the Government of the Republic of Armenia may introduce reciprocal restrictions on citizens of those States which impose special restrictions on Armenian citizens too. However, these restrictions cannot be applied to the [other] rights of foreign citizens and they enjoy these rights on the same terms as citizens of the Republic of Armenia.

112. The legislation of the Armenian Republic also establishes special rules concerning the capacity of natural persons to acquire civil rights and create obligations for themselves by their own actions. According to law, a citizen acquires legal capacity upon coming of age, i.e. upon reaching the age of 18. No one's capacity may be restricted other than in the cases specified by law (for example, in the case of mental illness, imbecility, alcohol abuse or drug addiction).

113. The capacity of aliens is determined by the law of the country of which they are a citizen, and the capacity of stateless persons by the law of their country of permanent residence, except in those cases in which such persons cause damage on the territory of the Republic of Armenia. In such cases the capacity of these persons to bear responsibility for the damage caused is determined by the Law of the Republic of Armenia.

114. The Republic of Armenia has signed a number of legal assistance agreements with foreign countries (for example, with the countries of the CIS, Bulgaria and Romania). These provide additional guarantees with respect to the recognition of the rights of citizens of those countries.

115. As concerns the right to marriage and choice of spouse, a new Code on marriage and the family is currently being drafted and will shortly be submitted to Parliament for consideration. According to the existing Code on the family and marriage, the State alone is responsible for the legal regulation of matrimonial and family relations. Only marriages registered in the State registries of births, marriages and deaths are recognized. The wedding ceremony, like other religious ceremonies, has no legal significance. This rule does not apply to religious rites performed before the establishment of the registries in the Soviet period or their rehabilitation and the birth, marriage, divorce or death certificates thus obtained.

116. According to article 12 of the Code on the family and marriage, "the registration of marriage shall be established with account for the interests of both the State and society and for the purpose of protecting the personal and property rights and interests of the spouses and children. Only a State-registered marriage shall entail rights and duties of the spouses."

117. According to article 13, "The wedding shall take place one month after the couple desiring to marry lodge their application with the registry. For good cause, this period may be shortened or extended to three months."

118. According to article 14, "In order to marry, the persons entering into matrimony must have given their mutual consent and must have reached marriageable age."

119. According to article 15, "Men may marry at 18 and women at 17. Marriage is not permitted between persons at least one of whom is already married or between persons in the same direct ascending or descending lines, between step sisters and brothers, between adoptive parents and adopted children, or between persons at least one of whom has been recognized by a court as incompetent as a result of imbecility or mental illness."

120. According to article 18, "Upon entering into matrimony the spouses may, as they so wish, choose the surname of one of them as a common name, or each may retain his or her own premarital surname".

121. The text continues "Questions relating to the upbringing of children and other questions of family life shall be decided jointly by the spouses."

122. On 31 October 1990, the Supreme Council of the Republic of Armenia adopted a resolution on the application of the Law of the Republic of Armenia on ownership of property. In this resolution it is stated, in particular, that "until such time as the legislation of the Republic of Armenia is brought into conformity with the Law of the Republic of Armenia on ownership of property, the existing enactments of the Republic of Armenia shall be applied, insofar as they do not contradict the aforesaid Law".

123. The right to own property alone as well as in association with others is the subject of article 8 of the Constitution, which, on the basis of the principle of free self-determination, lays down the main lines of State economic policy: "In the Republic of Armenia the right to own property is recognized and protected. The owner of property may dispose of, use and manage the property at his or her discretion. The right to property may not be exercised in such a way as to cause damage to the environment or infringe upon the rights and lawful interests of other persons, society or the State. The State shall guarantee the free development and equal legal protection of all forms of property, the freedom of economic activity and free competition."

124. The right to inherit is ensured by article 28 of the Constitution, which relates to both private property and inheritance. After the death of the property owner, ownership passes to his or her heirs in accordance with the law or the will, under rules established in conformity with the provisions of the Civil Code.

125. As concerns the right to freedom of thought, conscience and religion, Armenia is one of the oldest Christian States in the world. Christianity had already spread to Armenia by the first century A.D. In the year 301 A.D. Armenia was the first country in the world to recognize Christianity as the State religion. The national church is known as the Armenian Apostolic Church. Its independence goes back to the year 451, when the Council of Chalcedon adopted a new interpretation of the nature of Christ. Armenia, not having participated in this Council because of the need to defend its independence against external enemies, did not agree with the theological formula adopted. The present head of the Armenian Church is the Catholicos of All Armenians, His Holiness Garegin the First. For almost 1,700 years the Catholicos has traditionally had his residence in the Armenian city of Echmiadzin.

126. Despite the fact that an absolute majority of Armenian believers are Christians, there are many other legally protected religious organizations and communities active in the country. They enjoy a peaceful relationship with the Armenian Apostolic Church, which treats other creeds with understanding.

127. In January 1997, the articles of 14 different religious faiths, about half of which had been established and begun to function only a year or two earlier, i.e. after the formation of an independent Republic of Armenia, were officially registered. These included:

- the Russian Orthodox Church
- the Armenian Catholic Church
- the Yezdi Religious Community
- the Jewish Community
- the Pagan Community
- the "Consciousness of Krishna" Community
- the Baha'i Community
- the Mormons
- the Baptists
- the Evangelists
- the Pentecostalists
- the Seventh Day Adventists
- the Charismatics.

The Jehovah's Witnesses and individual members of the so-called "Moonies" and the "Aun Sinrike" sect operate without being registered.

128. It should be noted that about half of the above-mentioned religious organizations were established and began functioning in the last few years, as a consequence of the liberalization of the law and the activities of foreign missionaries. The foreign missionaries developed their activities over a wide front following the destructive Spitaks earthquake of 1988, when they arrived in Armenia to deliver humanitarian aid, and continue them today when, under the impact of the blockade and energy crisis, Armenia finds itself in a difficult economic situation.

129. Article 23 of the Constitution states that "everyone is entitled to freedom of thought, conscience and religion". After the proclamation of independence, one of the first laws to be adopted was that on freedom of conscience and religious organizations (17 January 1991), which regulated in greater detail matters relating to the implementation of that constitutional

right and provided guarantees of its enjoyment. According to the first article of the Law, "every citizen shall freely decide his attitude to religion and shall have the right to practise any religion or none and to perform religious rites, individually or in association with others".

130. Article 3 of the same Law prohibits "the use of force against anyone because of his or her attitude to questions of participation or non-participation in the religious teaching, divine worship or religious rites and ceremonies". Direct or indirect restrictions on the rights of citizens to religious freedom, persecution and incitement to religious enmity raise the question of responsibility before the law.

131. According to the same Law, the exercise of the right to freedom of conscience is subject only to those restrictions which are necessary to protect national security, public order, health and morals, and the rights and freedoms of other members of society.

132. Whereas the laws on religion, which existed under totalitarianism for a period of more than 70 years, were in fact aimed at restricting the rights of religious organizations, the Law of 17 June 1991 gives very broad rights to all the religious faiths being practised in Armenia. For the first time, religious organizations have been given the right, after officially registering their articles, to acquire the status of a juridical person, which enables them to own property, open church schools, engage in publishing and charitable activities, etc.

133. By law, in the Republic of Armenia the Church is separated from the State. Accordingly, the State has no right to compel citizens to profess a particular religion. It may not interfere in the activities of the Church and religious organizations. The State does not finance either the activities of the religious organizations or the propagation of atheism; at the same time, it gives members and ministers of religious organizations the right to participate in public and political life on an equal footing with other citizens. Money and other offerings received by religious organizations are not subject to tax. Churches and other buildings of historic interest are transferred free of charge into the ownership of religious organizations or made available rent-free for their use.

134. Under another important provision of the new Law, which distinguishes it from the old, the State no longer obliges religious organizations to register. The organizations themselves can decide whether to register or not. However, registration confers the status of a juridical person.

135. The basic principles of freedom of conscience are also enshrined in article 15 of the Constitution which reads: "Citizens, regardless of national origin, race, sex, language, creed, political or other persuasion, social origin, wealth or other status, shall have all the rights, freedoms and duties established by the Constitution and the law."

136. The right to freedom of peaceful assembly is ensured by article 26 of the Constitution: "Citizens are entitled to hold peaceful and unarmed meetings, rallies, demonstrations and processions." It is intended to establish the mechanisms for the exercise of this right under a separate law

in the course of being drafted. The right to form associations is protected by article 25 of the Constitution which reads: "Everyone has the right to form associations with others, including the right to form or join trade unions. Every citizen has the right to form political parties with other citizens and to join such parties. These rights may be restricted, by law, only in the case of members of the armed forces and law enforcement agencies. No one can be forced to join a political party or association."

137. Armenian law divides public associations into social organizations (including trade unions) and socio-political organizations (political parties). The formation of political parties and matters relating to membership of them are governed by the Law on socio-political organizations (adopted on 26 February 1991).

138. In accordance with this Law, a socio-political organization is a voluntary association of citizens of the Republic of Armenia of voting age having a single programme and set of rules whose members through elections, participate in the formation of the organs of government and their activities and also in the socio-political, socio-economic and cultural life of the Republic.

139. The above-mentioned Law places certain restrictions on the right of some people to join a socio-political organization. Thus, citizens of foreign countries cannot become members of socio-political organizations. Moreover, citizens working in the Ministries of Interior and Justice, on the National Security Committee, in the Office of the Procurator-General, in the State arbitration and judicial systems and the customs service, together with citizens serving in the army, may not join socio-political organizations during their period of service or employment (article 2 of the Law). There is no provision for similar restrictions on social organizations.

140. The Law on social organizations, adopted on 1 November 1996, regulates the social questions which arise in connection with the exercise of the constitutional right to form associations. In particular, it deals with questions associated with the formation of social organizations and their groupings, their official registration and reorganization, the cessation of their activities, and their dissolution, and establishes the rights and duties of social organizations.

141. According to this Law, a social organization can be formed by decision of a constituent meeting convened at the initiative of not less than three natural persons. Social organizations are subject to registration with the Ministry of Justice and acquire the status of a juridical person at the time of registration. Social organizations may be formed on the basis of a community of interests for the purpose of satisfying spiritual or other non-material needs. Before the adoption of the Law, there were over 1,000 registered social organizations in Armenia, including a number of trade unions. These are continuing their activities under the new Law.

142. As concerns the right to form and join trade unions, the legal basis for forming trade unions is the code of the former Armenian SSR, with the changes introduced in recent years, and the Constitution of the Republic of Armenia. The Decree of the President of the Republic of Armenia on safeguarding

the activities of the trade unions under free market conditions, of 25 January 1995, did much to encourage a free and united trade-union movement. Pending the adoption of appropriate legislation, this Decree protects the rights of the trade unions and provides guarantees to ensure that they can operate effectively.

143. In the Republic of Armenia there are no restrictions on the forming and joining of trade unions by workers. The Government has supported and promoted the right of trade unions to join various international trade-union organizations. For example, the German Confederation of Trade Unions and the republican committees and councils of the branch trade unions cooperate closely with the National Assembly and Government of the Republic of Armenia.

144. Laws on trade unions, on the signature of collective contracts and agreements and on the conduct of strikes have been submitted for consideration by the National Assembly. The preparation of a draft new Labour Code is currently being completed. Under an agreement with the International Labour Organization, at the end of this year the draft will be submitted to the ILO for expert evaluation. The draft Code is intended to regulate in detail matters associated with trade unions and their groupings, together with matters relating to the formation of employers' organizations. The Armenian Confederation of Trade Unions proposed that the Government put forward for ratification a number of ILO Conventions, of which the Supreme Council of the Republic of Armenia has ratified only six:

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|---|---|
| Convention No. 98 | Right to Organize and to Bargain Collectively |
| Convention No. 100 | Equal Remuneration |
| Convention No. 111 | Discrimination in respect of Employment and Occupation |
| Convention No. 122 | Employment Policy |
| Convention No. 135 | Protection and Facilities to be Afforded to Workers' Representatives in the Undertaking |
| Convention No. 151 | Protection of the Right to Organize and Procedures for Determining Conditions of Employment in the Public Service. |

145. The Armenian Confederation of Trade Unions is made up of 26 republican, 21 municipal and 210 district branch trade unions and committees and 8,749 primary trade-union organizations with 916,825 members.

146. The third paragraph of article 29 of the Constitution states that "citizens are entitled to strike in the defence of their economic, social and working interests. The procedures and restrictions applicable to the exercise of this right shall be prescribed by law." The procedure for settling individual labour disputes is laid down in the existing Labour Code of the Armenian Republic. As far as collective labour disputes are concerned, this

is the first time in Armenian legal history that provision for such an extreme means of settling disputes as strike action has been made at constitutional level.

147. A law on the settlement of collective labour disputes (strikes) has not yet been adopted in the Armenian Republic. A draft has been submitted for discussion but has still to be approved by the National Assembly. This draft law provides that "work stoppages as a means of settling a collective labour dispute shall be prohibited in those establishments in which an interruption of work would pose a threat to human life or health". In the draft law on the settlement of collective labour disputes (strikes) (article 11) it is noted, in particular, that work stoppages are prohibited in those subdivisions of the defence industries which are directly engaged in the production of defence equipment, in the State law enforcement agencies, and in the security services entrusted with questions of defence.

148. The workforces of these organizations are entitled to call upon the President of the Armenian Republic to protect their legal rights and interests. The President must consider their requests and take his decision within a period of one month.

149. Employment (including the rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work and to just and adequate remuneration) is regulated by the Constitution and by the new Employment Act, which entered into force on 1 January 1997, the labour legislation, international treaties and other legislative instruments. Every citizen is entitled to free choice of employment. No one may be refused employment without good cause. Armenian citizens, aliens residing in Armenian territory and stateless persons have the right to free choice of employment.

150. The State employment service must grant those who are unemployed and seeking work unemployed status within 10 days of submission of the necessary documents.

151. Persons who have been granted unemployed status receive the following social security guarantees:

(a) The payment of unemployment benefit, the period of payment of benefit being taken into account in the employment record for pension *purposes;*

(b) The payment of grants to attend retraining and further training courses, the training period being taken into account in the employment record for pension purposes.

Citizens of the Republic of Armenia have the right to work and receive vocational training, further training and retraining in the territory of other States.

152. A special individual rehabilitation programme has been developed for the purpose of realizing the creative and vocational potential of disabled persons. Under this programme disabled persons are found employment in

enterprises, institutions and organizations under ordinary working conditions, with the right to be hired to work in enterprises, factories and workshops using the specialized labour (including training and production) of disabled persons and also with the right to engage in entrepreneurial and other activities not prohibited by law.

153. Employment and promotion may not be refused on grounds of disability. Similarly, dismissal and transfer to other duties on the initiative of the management are prohibited, except in those cases in which in the expert opinion of the industrial health services the disabled person's state of health does not allow him or her to perform his or her duties or represents a threat to the health of others and industrial safety in general. Without special reasons management may not dismiss persons who have undergone medical, vocational and social rehabilitation.

154. In order to secure jobs for disabled persons, the Government of the Republic of Armenia is establishing firm quotas for employers or creating new jobs. If, for whatever reason, subject to the established quotas, an employer fails to fulfil the requirements with respect to job placement or the creation of new jobs, then for each new job he has failed to provide or create he must pay into the State Employment Fund a fine equal to the annual average wage of one of his workers.

155. In order to develop and implement a programme for the regulation of job placement, national and regional coordination committees may be established for the purpose of carrying out agreed decisions. These committees must include equal numbers of authorized representatives of the social organizations and government, to protect the interests of both workers and employers, together with representatives of the State Employment Service.

156. The procedures governing the organization and activities of the coordination committees and their powers are established by mutual agreement.

157. Socio-economic rights such as the right to housing are affirmed by the Armenian Constitution. In particular, article 31 reads: "Every citizen is entitled to an adequate standard of living for himself or herself and his or her family, including adequate housing, as well as to the improvement of living conditions. The State shall take the necessary measures to enable these rights to be exercised."

158. Despite the beginning of the privatization process, the construction of housing by the State continues. At the same time, the Constitution proclaims the right to the inviolability of the home, according to which it is forbidden to enter a dwelling without the permission of the occupier or a special court order. It is planned to review the Armenian Housing Code.

159. As concerns the right to medical care, in obtaining medical assistance and services everyone, without restriction as to race or colour, has the right to:

(a) Choose the person providing medical care and assistance;

(b) Receive medical care and assistance under hygienic conditions;

(c) Have the visit, the state of his or her health, and the examination, diagnosis and treatment kept confidential, except in the cases prescribed by law;

(d) Be informed about his illness and give his or her consent to treatment;

(e) Refuse medical treatment, except in the cases prescribed by law;

(f) Be treated with respect by those providing the medical care and assistance.

160. In the Republic of Armenia, only those who have received an appropriate education and specialized training are entitled to practise medicine, together with those who under Armenian law have received a licence to engage in a certain type of medical activity. Persons providing medical care and assistance must:

(a) Render first aid to anyone in need, regardless of guarantees of payment and other circumstances;

(b) Ensure that the aid and care provided is consistent in quantity and quality with accepted standards;

(c) Inform the patient of the type and extent of the medical care to be provided and of the method, procedure and conditions applicable;

(d) At the request of persons who have paid for medical assistance, furnish the necessary particulars concerning the medical care and services with which the patient has been provided, their quantitative and qualitative characteristics and cost;

(e) Ensure the confidentiality of the visit, examination, state of health, diagnosis and treatment, except in the cases prescribed by law;

(f) Provide statistical and other data in accordance with the procedure prescribed by law;

(g) Treat patients with consideration and respect.

161. Persons providing medical care and assistance who harm a patient or disclose information about his or her health and persons engaging in illegal medical activity are liable under the procedure established by law.

162. The calamities and hardships of recent years, including the earthquake of 1988, the armed conflicts, the energy crisis and the fall in real incomes, have done serious damage to the health of the Armenian people. The Ministry of Health, together with the Ministries of Economics, Finance and Social Security, would rather identify those groups of the population with the right

to receive free medical services than set limits on those categories of the population having the right to partly paid medical care. In January 1996, the Ministry of Health submitted to the Government a list of the following individual groups with entitlement to completely free medical care:

- Disabled persons;
- Lone pensioners and families consisting only of pensioners;
- Members of the families of servicemen who have died defending their country;
- Children.

However, this list is not definitive and is subject to change.

163. As concerns the right to social security, according to article 33 of the Constitution, "every citizen is entitled to social security in respect of old age, disability, sickness, loss of breadwinner and unemployment, and in other cases prescribed by law".

164. The social security system operating in Armenia was adopted in 1991 by Decree of the President of the Republic and has two strands: (i) pension insurance and (ii) sickness and maternity benefits.

165. Pension provision for Armenian citizens is guaranteed by a new Law on State pension insurance for citizens of the Republic of Armenia adopted by the National Assembly in December 1995. According to this Law, every citizen is entitled to State pension insurance. The Law establishes the following types of pensions:

(a) occupational:
- old age;
- old-age on preferential terms;
- long service;
- disability;

(b) social:
- old age;
- disability;
- loss of breadwinner.

166. Aliens and stateless persons residing within the territory of the Republic of Armenia are also entitled to pension insurance.

167. All those citizens who have paid social security contributions in accordance with the procedure established by law are entitled to occupational pensions. The insurance contribution rates are fixed by law and from 1996 to 2011 will be 1.3-5.8 per cent of wages, and for employers during the same period 35-20 per cent. Thus, a pension fund is being built up from the compulsory contributions of employers, the insurance contributions of employees, budget appropriations, etc.

168. In addition to their entitlement to a State pension, citizens of the Republic of Armenia have the right to make supplementary pension arrangements with State and non-State insurance agencies. Under the new Law, the following are entitled to an old age pension:

- Women, from the age of 63, and men, from the age of 65, who have worked for at least 5 years;

- Women, from the age of 53, and men, from the age of 58, who have worked for at least 15 years under especially hard and unhealthy conditions;

- Women, from the age of 55, and men, from the age of 60, who have worked for at least 20 years under hard and unhealthy conditions;

- Women, from the age of 58, who have given birth to and raised 4 or more children and have worked for not less than 5 years.

169. Long service pensions are awarded to certain categories of workers in education, culture and civil aviation and to sportsmen with important achievements in sport. The pensionable age for people in these categories is 45-55 and they must have worked for not less than 20-30 years.

170. Social pensions are paid, from the age of 63 for women and 65 for men, to those citizens who are not entitled to receive an occupational pension.

171. The degree and causes of disability are established by a medical-occupational expert commission. First, second and third degrees of disability are recognized. The degree of invalidity of children up to 16 years of age is determined by the health service. Occupational disability pensions are intended for citizens who have worked for at least five years; those who have not received a social disability pension. The awarding of a disability pension does not depend on the disabled person's age.

172. Following the loss of the breadwinner, any underage children receive a pension until they reach the age of 18.

173. Everyone has the right to health care. The procedure for providing medical assistance and services is laid down in the Law on public medical care and services (article 34), according to which in the Republic of Armenia everyone, regardless of national origin, race, sex, language, creed, age, state of health, political or other persuasion, social origin or wealth, is entitled to receive medical care and services. Everyone is entitled to receive medical care and services free of charge within the framework of the State's specialized medical programmes.

174. As concerns the right to education, Armenia, as part of the USSR, had a well-developed system of free education. In the mid-1970s, 10-year secondary education became compulsory and this, together with the expansion of the system of higher and vocational education, had a positive effect on the qualifications of Armenia's scientists and the labour force in general. However, as a result of the consequences of the 1988 earthquake and the energy crisis, minimum levels of financing in the sector have meant that in most cases schools have continued to function largely thanks to the assistance of charitable organizations. One third of Armenian schools in the earthquake zone were damaged or destroyed, and 59 schools have been subjected to bombardment.

175. Secondary education in Armenia's State schools is free of charge. There is a total of 574,000 secondary students and 57,000 teachers, which gives a teacher/student ratio of 1:10. The low salaries (600 dram in 1996) are forcing qualified specialists out of the schools, which is resulting in falling educational standards. Many teachers continue to teach mainly by giving individual tuition.

176. Concerning the education of refugees, most of them come from Azerbaijan and are specialists with a Russian education. Among them there are doctors, lawyers, scientists and teachers. Under Armenian law, teaching and administration must be conducted in the official language (Armenian), which is also making it more difficult in practice for the refugees to engage in civic and professional activities.

177. Concerning technical and specialized education. At present, in parallel with the reduction in State demand (by 26 per cent in 1995 and 25 per cent in 1996), the number of students in the vocational and technical schools is falling. The level of training in these schools is rather low and far from meeting the requirements and conditions of the modern labour market.

178. In Armenia there are 17 State and over 40 private institutions of higher education with about 63,000 students and an annual enrolment of about 8,000. Many (13) are run by the Ministry of Education and Science. To obtain admission to these institutions, which offer 135 courses of study, it is necessary to pass an entrance examination.

179. Currently, the reorganization of the educational system is lagging somewhat behind the pace of reform in other sectors. This is mainly due to the limited availability of funds from the State and other sources and to the inefficient operation of the administrative system.

180. In July 1996, night schools and boarding schools were placed under the authority of the Ministry of Social Security. At present, in the Republic there are 51 night schools, 5 children's homes and 7 night boarding schools, of which 4 belong to the educational system and 3 to the health-care system. Today, in Armenia there are about 36,000 orphans, of whom only 500 have been placed in educational institutions.

181. In the next few years the objectives of education strategy will be as follows:

- To prevent the education system from breaking down in the face of huge financial needs and minimum foreign humanitarian assistance.

- In the pre-school institutions, to increase the relative contributions of parents and sponsors to the total financing.

- To amalgamate the pre-school and school buildings in the free territories, with privatization of the free premises.

- In higher education, to expand the paid tuition sector, leaving the State to provide only for specialties for which there is a limited demand and for specially gifted children.

- To restrict the number of State student grants, retaining them only for the neediest students, with diversion of the savings into the development of the education system.

- To organize and regulate the use and monitoring of the funds raised from other sources.

- To bring the curricula into line with modern economic requirements.

182. The right to equal participation in cultural activities is the subject of article 36 of the Constitution, "everyone is entitled to freedom of literary, artistic, scientific and technical creation, to benefit from the achievements of scientific progress and to participate in the cultural life of society".

183. Cultural policy is being developed and implemented by the Ministry of Cultural Affairs, Youth and Sport. One of the agencies under the authority of this Ministry is the Board for the Protection of Monuments which was established as long ago as 1923. The Board is responsible for supervising the whole of Armenia's historical and cultural heritage (historical and cultural monuments dating from the third millennium B.C. to modern times). A considerable proportion of these are medieval monuments in which Armenia is especially rich. To protect the cultural heritage the Board for the Protection of Cultural Treasures has been set up under the Ministry of Culture on the basis of the Decree of the President of the Republic of Armenia concerning the export of cultural treasures.

184. Armenia has more than 20 working theatres. The largest is the State Theatre of Opera and Ballet, which has a great tradition. Thanks to the assistance of the Armenian Charitable Society its ticket prices are being kept at a very low, more or less symbolic level. During the difficult years of crisis, the cheapness of the tickets not only enabled the theatre to hold on to its traditional public but also attracted a large new audience, especially among the young. Other popular theatres include the Sundukian, the State Theatre (for drama), the Stanislavsky Theatre (which puts on shows only in Russian), etc. In addition to the State theatres, there are 14 professional

studio theatres. It has been calculated that each year in Armenia 4,251 shows are staged for 981,660 spectators. There is also ongoing and developing cooperation with European music centres, well-known concert halls and theatres (Olympia, Carnegie Hall, Covent Garden, Bolshoi Theatre, Teatro Goldoni, etc.), opera, drama, ballet, variety, dance and puppet theatres, recording studios, concert agencies and the managements of European music festivals.

185. The professional concert and music ensembles (numbering 28) organize 350 concerts a year for a total audience of 675,400. There are also numerous amateur establishments, among them 1,101 of the club type with 3,500 seats and 113 folk groups, including 36 theatres and folk music and dance ensembles. The few national minorities have ethnic troupes for their own communities (two Assyrian, one Yezdi and one Jewish).

186. There is a network of 106 museums serving 152,000 visitors and containing 182,081 million exhibits. The best known of the Armenian museums is the Matenadaran (Scientific Research Institute of Ancient Manuscripts). It is unique of its kind in the sense that it stores, studies, translates and publishes every kind of ancient manuscript. It was founded in 1920, after the establishment of the Soviet regime in Armenia, when the manuscripts belonging to the religious centre of Echmiadzin were nationalized. The Matenadaran now houses about 14,000 manuscripts in ancient Armenian and 3,000 in other languages, mainly Greek, Latin, Arabic and Farsi. There are also many books that have been translated into Armenian from other languages. The oldest of the Armenian manuscripts date from the fifth century A.D. Although the contents of the museum are expensive to maintain and the State is not in a position to provide the necessary funds, the scientific research work continues.

187. An important part in aesthetic education is played by the Children's Picture Gallery. In addition to exhibitions of children's art, the Gallery organizes creative education groups, in particular, in painting, sculpture, design, music, dance, etc. It has arranged numerous exhibitions in many different countries and has also received delegations from abroad. A very successful exhibition of children's work was recently held in the UNESCO Centre in Paris.

188. Intellectual property is protected by law. The Ministry of Justice has a patent department which is developing legislation in the areas of copyright and industrial property rights, as well as registering and issuing copyright protection documents. Armenia is also cooperating with the international organizations in this field, particularly with the World Intellectual Property Organization (WIPO).

189. Armenia's mass media are made up of the following:

- 50 editorial offices in the State Television Company;

- 17 editorial offices in the State Radio Company;

- 19 State and independent information agencies;

- 61 magazines;

- 265 newspapers.

190. At present, the daily output of printed periodicals is 40,000 copies (for comparison, the pre-1990 figure was 600,000 copies). In 1988, the newspaper Sovetakan Aiastan alone had a print run of 350,000. It should be noted that almost half the periodicals appearing today are published in Russian. The newspaper Ria Tza is published in Kurdish.

191. Armenian State Television, the only television company, broadcasts in Armenian over four national channels. Its broadcasts reach 99.8 per cent of the population, as well as audiences in the border regions and neighbouring countries. Armenian television began broadcasting 30 years ago and has always been State-owned, previously forming part of the Soviet television system. In recent years it has been trying to promote mutual cooperation with other television companies in Europe (Germany, Greece, Romania, France, Bulgaria, Russian Federation, Ukraine) and in Asia (Egypt, Iran, Syria) through the Asian-Pacific Broadcasting Union (Armenia is a European country, but by decision of the International Telecommunication Union (ITU) is part of the Asian Broadcasting Union (ABU) broadcasting zone.

192. For many years the first State radio channel has been allocating time for broadcasts in the Russian and Yezdi languages. The second television channel carries a weekly programme in Russian and every day both channels show films in Russian; the Russian channels ORT and RTR are relayed and periodically there are negotiations concerning the broadcasting of other channels.

193. In recent years the FM radio network has been actively expanding. One station is broadcasting round-the-clock in French. There are two private commercial Internet service providers - ARMINKO and INFOKOM. They have about 500 subscribers, including government agencies, Armenian and foreign organizations, and private individuals.

194. In recent years, a considerable number of cultural establishments, as well as national minority cultural centres and charitable and other social organizations, have been set up in Armenia. The national minorities are represented in the National Assembly and other State bodies, and in the new Government there is a post for an adviser on national minority affairs. In many cases, the national minorities receive State support to help them exercise their right to establish their own cultural centres. The most important of these organizations are the Association of Assyrians of Armenia, the Jewish Community of Armenia, the German Community, the Presidium of the Yezdi National Council of Armenia, the Leadership of the Council of the Kurdish Intelligentsia of Armenia, the Harmonia International Centre for Russian Culture, and the League of Russian Youth of Armenia ROSMA.

195. The Republic of Armenia has a number of active creative artists' unions, in particular those for composers, architects, writers, film-makers, amateur film-makers, journalists, actors and designers.

196. Article 11 of the Constitution states that "historical and cultural monuments and other cultural treasures are under the care and protection of the State". Within the framework of the principles and rules of international law, the Republic of Armenia assists with the preservation of Armenian historical and cultural treasures in other countries and helps to develop Armenian cultural and educational life. The basic principles of Armenia's cultural policy are:

- The recognition of culture as the principal factor determining the individuality of the nation;
- The accessibility of cultural treasures and all kinds of cultural activities and services to every citizen;
- The development of cultural ties with Armenians living abroad, for the purpose of preserving the integrity of the national culture;
- Comprehensive international cooperation.

197. Under article 37 of the Constitution, citizens belonging to national minorities are entitled to the preservation of their traditions and the development of their language and culture.

## Article 6

198. The right to equal treatment before the courts and effective protection through the competent national tribunals was noted in connection with article 5. It should merely be observed that in Armenia it is proposed to carry out sweeping reforms for the purpose of improving the existing judicial system.

## Article 7

199. Immediately following the achievement of independence, a beginning was made on the radical reform of the education system, the humanities (history, literature, sociology, etc.) being especially deeply affected. It was quite obvious that education needed to be raised to a qualitatively new level, in particular by fostering the concept of a State governed by the rule of law, which had been missing from Soviet society.

200. The first steps in this direction have already been taken. For example, many non-governmental organizations, together with the Centre for Democracy and Human Rights founded in 1995 as a national institution, are engaged in spreading awareness of human rights, organizing seminars, translating literature, etc.

201. At present, on the basis of an agreement between the Armenian Government and the Human Rights Centre in Geneva, a project is being carried out for the purpose of organizing seminars, training specialists and disseminating human rights literature.

202. However, this is only the beginning and the question of the appropriateness of introducing a course on human rights into the curriculum is becoming a frequent subject of heated debate in the Republic. The reason for this is that Armenia has neither experience in teaching human rights nor research and teacher-training institutes nor textbooks. Moreover, the blind transfer of the experience of other countries, without allowance for local ways of thinking and the specific characteristics of the audience, often fails to give positive results. Accordingly, the Republic is giving priority to the training of its own specialists in this field, the reorganization of the legal education system, the preparation of new textbooks and also, for the purpose of further encouraging mutual understanding, tolerance and friendship between nations and racial or ethnic groups, the propagation of an awareness of human rights as widely as possible among the population.

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